

28467. Adulteration of prunes. U. S. v. North Pacific Cooperative Prune Exchange. Plea of guilty. Fine, \$25. (F. & D. No. 39812. Sample No. 29578-C.)

This product consisted in part of decomposed prunes.

On November 24, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North Pacific Cooperative Prune Exchange, a corporation, Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 11, 1937, from the State of Oregon into the State of Washington, of a quantity of prunes which were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 6, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28468. Adulteration and misbranding of preserves. U. S. v. Gold Label Kitchens, Inc. Plea of nolo contendere. Fine, \$160 and costs. (F. & D. No. 38582. Sample Nos. 52728-B, 63353-B to 63355-B, incl., 63359-B, 63360-B.)

These products were deficient in fruit and contained excess sugar and added pectin or added acid or both. The apricot preserves also contained excess moisture.

On August 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gold Label Kitchens, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 10, 1935, and April 17 and 18, 1936, in the name of Thorne & Olds, Inc., from the State of Illinois into the State of Iowa, of quantities of preserves which were adulterated and misbranded. The articles were labeled in part: "Gold Label Pure Preserves Strawberry [or "Raspberry," "Cherry," "Apricot," or "Peach"] Manufactured By Thorne & Olds, Inc. Chicago, Ill."

They were alleged to be adulterated in that sugar and pectin in the case of the strawberry, raspberry, and one lot of the cherry preserves; sugar, acid, and pectin in the case of the remaining lots of the cherry preserves; sugar and acid in the case of the peach preserves; and sugar, acid, pectin, and water which should have been removed by boiling in the case of the apricot preserves, had been mixed and packed with the articles so as to reduce and lower their quality and strength; in that mixtures deficient in fruit and containing excess sugar had been substituted for pure strawberry, raspberry, cherry, peach, and apricot preserves, which they purported to be; and in that they were inferior to strawberry, raspberry, cherry, peach, and apricot preserves and had been mixed so as to simulate the appearance of said preserves and in a manner whereby their inferiority was concealed.

Misbranding was alleged in that the statements "Pure Preserves Strawberry [or "Raspberry," "Cherry," "Peach," or "Apricot"]" were false and misleading and were borne on the labels so as to deceive and mislead the purchaser; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On January 17, 1938, a plea of nolo contendere was entered and the defendant was sentenced to pay a fine of \$160 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28469. Adulteration of canned tomato and celery juice. U. S. v. 94 Cans and 24 Cases of Canned Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. No. 41341. Sample No. 60848-C.)

This product was undergoing decomposition.

On January 7, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 cans and 24 cases, each containing 48 cans, of tomato and celery juice at Denver, Colo., consigned by Haas, Baruch & Co., alleging that the article had been shipped in interstate commerce on or about August 10, 12, and 16, 1936, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake and Blackinton Ogden, Utah."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*